FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3.b of the Comprehensive Manual of Development Policy (CMDP) to permit a distance between buildings of 14 ft., in lieu of the required 16 ft., for buildings with heights of 20 ft. or less, and to amend the last approved partial development plan of Goldentree. All as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits aubmitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.X.R. would result in practical difficulty and/or unreasonable hardship

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this Andrew day of November, 1993, that the Petition for a Zoning Variance from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3.b of the Comprehensive Manual of Development Policy (CMDP) to permit a distance between buildings of 14 ft., in lieu of the required 16 ft., for buildings with heights of 20 ft. or less, and to amend the last approved partial development plan of Goldentree, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

> > Zoning Commissioner for Baltimore County

upon the Petitioners.

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

November 1, 1993

Mr. and Mrs. David W. Johnson 11 Horse Chestnut Court Baltimore, Maryland 21221

> RE: Petition for Administrative Variance Case No. 94-127-AA Property: 11 Horse Chestnut Court

Dear Mr. and Mrs. Johnson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

Bultimore County Government Zoning Commissioner

Office of Planning and Zoning.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, 🔑 Dawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

Petition for Administrative Variance & AMENDMENT OF F.D.P. 74-127-111 to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Office of Zoning Administration & Development Management The underlighted, legal owner(s) of the property situate in Baltimore County and which is described in the descriptive and plan standard in ကြာလကာရော်သေး ကြောင်းရှိခဲ့သည်တွင် သို့ချင်းမေးသည် သိမ္မာလေသည်တွင် စစ် နေနိုင် မြိမာ ပြိုင်သေး တွင် စိတာမ ကြောင်းလေရှိပါလေရ နောက် ကြို့ချိုင်းရန်နောင် အကြောင့်သည်။ ၁၉၆၆ ချိန်း ကြို့ချိုင်းမြောင်း မြောင်းမြောင်းမြောင် မြောင်းမြောင်းကြောင့် Marco စီအကြောင်း ကြောကျောင်းကြောင်းကြောင်းများသည်။ အကြောင်းများ အကြောင်းများများ ကြောင်း of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, and care a region pro-

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising postury att. Sport hing of this parties, and to more agree to seek the control of be bound by the zoning regulations and restrictions of Baltimore County adopted priconact to the Zoning Law 6.3 Systemate 1 5537.

The bady Al fair.

				. මෙම මා ර සැටිවත (උවම රම) ආකාල්ව මා රට ව රාල් රධකාර	uerodien group i i pionienti we die i nerode Pr e ndad
Contract Guidnaser/Legges			ieg v Senenc	_	
			Carrie	N 1.14 1.20	SU HUSTIN
Olygon on Print Marian					THIS C.
. · · · · · · · · · · · · · · · · · · ·			XIII	1 Work	1 Shave
Onin History			117	01 / K -	17/
Aritir e sa		· ii ·			1111-150 A-1
			- A 263	1 / 1/	Property of
ciey	GFW4.K	Zazade	Section 12	ii. 12	- Signatur Signatur (1995) - Signatur Signatur (1995)
Attorney for Petitioner			11 / 1.	Service de la companya de la company La companya de la co	
If you or Print Manny			11/408	82-CHEET)	47 63 687
			BHI7	72 . 1/1	$\lambda \lambda = 0.22$
Citizeniature			City Note Address sints	The summer of more rest.	
					· · · · · · · · · · · · · · · · · · ·
Arithera	erativare, dura				
			Newson let		
O+¥	hlafe.	Z.scude	A 2024 - No.	*	The graph has

If at the subject matter of the petition be set for a patitive hearing, individually as required by the formal kegs aformation and the property be reported.

CROMATION THROUGHOUR COUNTY and that for property be reported. Token g Commission en ut kommisse til en sov

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 15th Posted for: Variance	Date of Posting 10/6/93
Posted for: Variance	
Politioner: Dalid LL + Taya 1	To 17-11 5077 nut Court, 340' NW/SERS HIT Pd.
Location of property: 11 Horse Chat	nut Court, 340' NW/SOND HINDS
Location of Signs Ficting Tood Woy	on property to bezon of
	, , , , , , , , , , , , , , , , , , ,

Development Management

II HORSE CHOSTNUT CT. BACTO, MO. 21221

> 010 - VARIANCE - \$ 5000 030 - AMENDMENT - \$ 5000 050 - SIGN - \$ 3500

> > D2AD2NOOTKICHRC BA 0003:27FM00.02.03 Please Make Checks Payable To: Baltimore County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That based upon personal knowledge, the following are the facts upon which live base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

1 HEREBY CERTIFY, this 24 day of 109057, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared DAVID WAYNE JOHNON ITERA LEE DIMEN the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law

that the matters and facts hereinahowe set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my/hand and Notarial Seal. 08/24/93

My Commission Expires:
05/3/197

94-127-AA

VARIANCE DESCRIPTION

Located on the southwest side of Horse Chestnut Court cul de sac, approximately 340' northwest of the centerline of Sand Hill Road and known as lot #257 as shown on the Plat 3 Section 3 Goldentree, which is recorded in the land records of Baltimore County in book 50 page 61. Also known as #11 Horse Chestnut Court.

17EM# 134

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

October 15, 1993

Mr. and Mrs. David W. Johnson 22 Horse Chestnut Court Baltimore, Maryland 21221

> RE: Case No. 94-127-A, Item No. 134 Petitioner: David W. Johnson, et ux Petition for Administrative Variance and Final Development Plan

Dear Mr. and Mrs. Johnson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 22. 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

I. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel,

---O. James Lighthizer Hal Kassoff

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109

10-1-93

111 W. Chesapeake Avenue Towson, Maryland 21204 Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief **Engineering Access Permits** Division

My telephone number is _____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and

Development Management

DATE: October 4, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 130, 133, 134, 135, 136, 137, 139, 140 and 141.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC.133/PZONE/ZAC1

Baltimore County Government Department of Permits and Licenses

111 West Chesapeake Avenue Towson, MD 21204

October 8, 1993

(410) 887-3610

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

Zoning Agenda: Meeting of October 4, 1993

Joseph Michael Neukam and Audrey E. Neukam #2001 Codd Avenue 130 (RT)

Paul Goodman #1002 Reisterstown Road

+131 (RT)

Colonial Village Company #7002 Reisterstown Road - Colonial Village Shopping Ctr. +132 (JRA)

Iron City Sash and Door #2202 Halethorpe Farm Road +133 (JLL)

David Wayne Johnson and Tera Lee Johnson #11 Horse Chestnut Court *8 134 (RT)

Edmund J. Cardoni and Teena L. Cardoni #232 Antietam Road *135 (JCM)

Charles D. Lowe and Sharon A. Lowe

#1900 Dineen Drive 136 (JLL)

Elizabeth Hendrickson, Personal Representative for the Estate of Rita S. Holland #13224 Fork Road 137 (JJS)

The Pines at Deep Run Limited Partnership #5,6,7, & 8 Deep Run Court + 138 (MJK)

Robin Barbagallo and Francis S. Barbagallo, Jr. #1301 Evergreen Lane

Printed with Soybeen Ink. on Recycled Paper

Jerome Leibowitz and Bettye I. Liebowitz 43510 Gardenview Ro *140 (JLL)

(887-4880)

A. LeRoy Metz and Jean L. Metz #9106 Hines Road *141 (JRA)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Lieutenant Robert P. Sauerwald Fire Prevention Eureau

Baltimore County Government Office of Zoning Administration

(410) 887-3353

and Development Management

111 West Chesapeake Avenue

OCTOBER 4, 1993

Towson, MD 21204

NOTICE OF CASE NUMBER ASSIGNMENT

TO: David Wayne Johnson and Tera Lee Johnson 11 Horse Chestnut Court Baltimore, Maryland 21221

Re: CASE NUMBER: 94-127-AA (Item 134) 11 Horse Chestnut Court SM/S Horse Chestnut Court, 340' MW of c/1 Sand Hill Road 15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

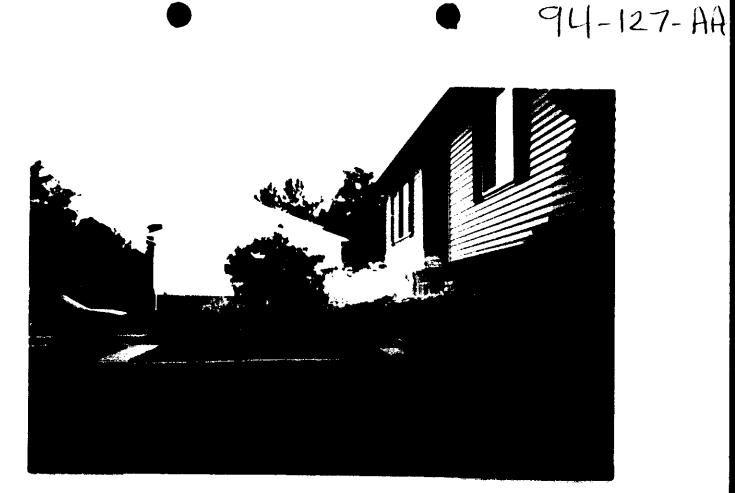
1) Your property will be posted on or before October 10, 1993. The closing date (October 25, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public bearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

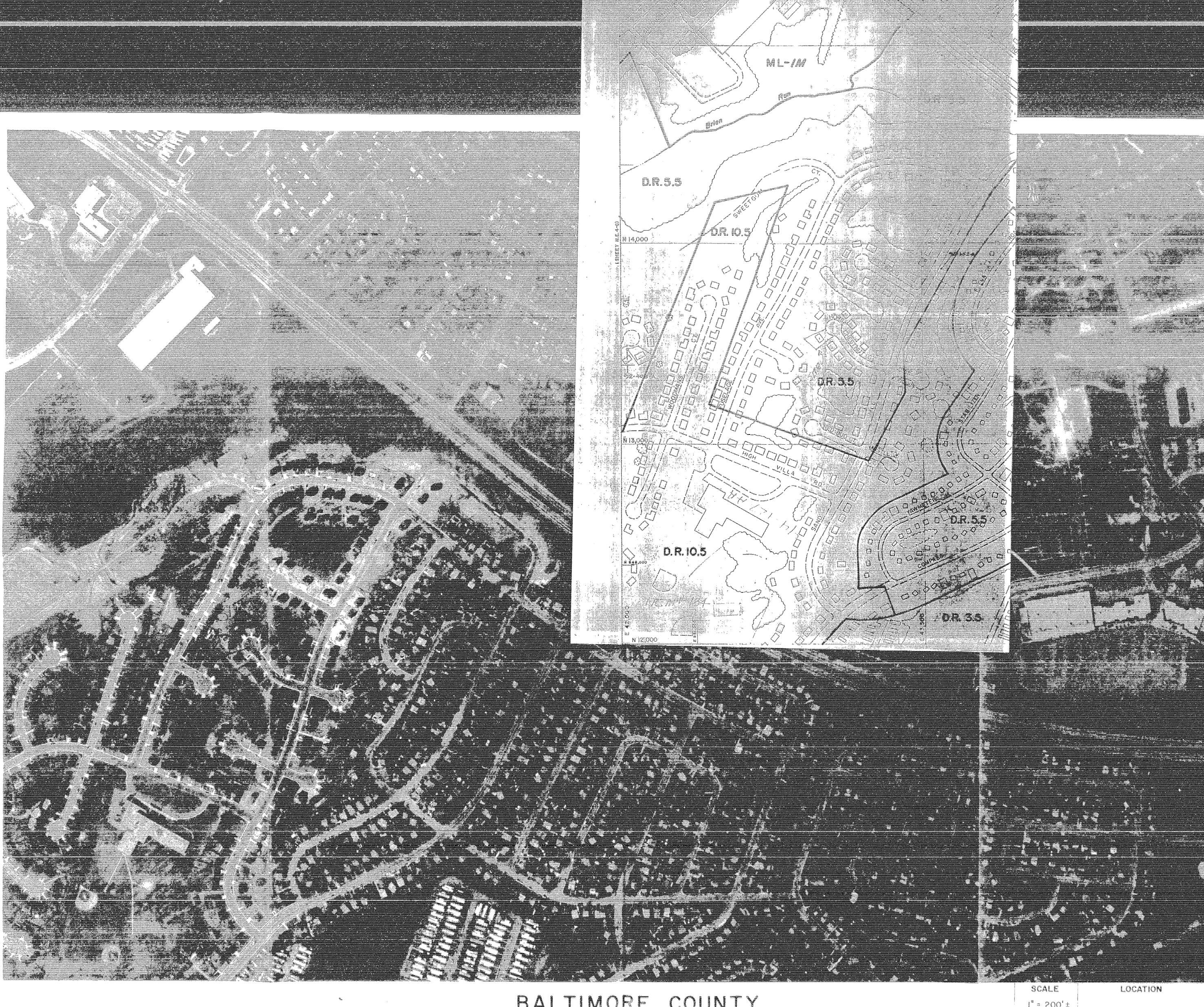
Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: // HORSE CHESTNUT CT. See pages 8 & 6 of the CHECKLIST for additional required information Subdivision name: GOLDENTREE plat book#30 ,follo#6/ ,lot#257,section# 3 OWNER: JOHNSON, DAYID + TERA LEE # 25°C LOT #258 LOCATION INFORMATION Election District: 15 Councilmanic District: 5 1'-200' scale map#: NE 4-H Zoning: D. R. 5,5 Lot size: . 19 acreage * NOTE: AYEMAGE ON LET 4258 4 PROPOSED AND ON LOT # 257 IF <20' . . North, date: 9/22/93 prepared by: 134 Scale of Drawing: 1'-30' And the same of th





974-127-AA





OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

SCALE LOCATION SHEET

I" = 200' ±

DATE MIDDLE RIVER

OF
PHOTOGRAPHY
JANUARY
1986